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Held at Headquarters, New York,
on Tuesday, 21 March 1995, at 3 p.m.

Chairman: Mr. AGUILAR

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Argentina (continued)

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Argentina (continued) (CCPR/C/75/Add.1)

1. At the invitation of the Chairman, Mr. Barra and Ms. Regazzoli (Argentina) took places at the Committee table.

Constitutional and legal framework within which the Covenant is implemented, state of emergency and rights of persons belonging to minorities (article 2, paragraphs 2 and 3, article 4 and article 27 of the Covenant) (section I of the list of issues) (continued)

2. Mr. BARRA (Argentina), replying to earlier questions, said that under article 116 of the Argentine Constitution, the Supreme Court and lower courts could declare a law or executive decree unconstitutional. A law found to be at variance with the Constitution was declared unconstitutional provided that the declaration of unconstitutionality was useful in order to resolve a specific legal question. As in the constitutional system in the United States of America, the decision taken applied to the specific case under consideration. That frequently led to the repeal of the law or decree declared unconstitutional. The Supreme Court, as the court of the last appeal in such matters, had the final say in declaring a law unconstitutional.

3. As a result of the 1994 constitutional reform, the age-limit for Supreme Court justices was 75 years, which could be extended for an additional five years with the approval of the Senate. Supreme Court justices were appointed by the President and could be removed by impeachment, which was conducted by the Congress. Lower court judges could be removed by means of special prosecution courts set up to deal with such matters.

4. In Argentina, there was no system for the prior review of the constitutionality of laws adopted. Draft legislation was not reviewed by any constitutional court. The Argentine Constitution did, however, provide for the interpretation of laws by judges. For example, divorce had been prohibited in Argentina under the Civil Code until 1987. The constitutionality of that law had been challenged by parties claiming that it violated certain individual rights and the law had been found to be unconstitutional by the Supreme Court. Immediately afterward, the Congress had adopted a law permitting divorce. Under his country's constitutional system of open limits, such decisions by the courts often led to rapid follow-up action by the legislative bodies.

5. Until the 1994 reform, the remedy of amparo had not been provided for under the Constitution. During the 1970s it had been established under national legislation as a speedy and effective way of protecting rights in cases of violations arising from arbitrary or illegal acts. As a result of the 1994 reform, the remedy of amparo had been established as a constitutional guarantee and broadened in scope. Under article 43 of the Constitution, any person could invoke the remedy of amparo, provided that no more suitable judicial remedies

were available, in the case of acts that infringed, restricted, altered or jeopardized the rights and guarantees laid down in the Constitution, a treaty or national legislation. In addition, a law which infringed a constitutional right could be declared unconstitutional by means of the remedy of amparo.

6. In accordance with the second paragraph of article 43, amparo could be invoked by individuals, ombudsmen or certain associations in more general situations involving discrimination against groups. Two persons legally entitled to bring an action were necessary in order to have recourse to amparo in such cases. The Constitution also provided for habeas data, which was designed to guarantee the accuracy of personal data kept on file in public and private data banks.

7. The Supreme Court had ruled that the international treaties to which Argentina was a party took precedence over national legislation. Article 31 of the Constitution merely enumerated the various sources of law without giving any hierarchical order. Article 75, paragraph 22, of the Constitution specified the treaties and agreements that took precedence over national legislation and had been incorporated into the Constitution itself. Accordingly, a state of siege, for example, could be declared only if due account was taken of the provisions of article 4 of the Covenant. The rights guaranteed under the Covenant could not be suspended. Since the Supreme Court had ruled that the State must comply with its obligations under international treaties, part III of the Covenant was fully operative in Argentina, and the courts could apply its provisions immediately.

8. The composition and procedures of the Council on the Judiciary were currently being considered by the Congress and a specific law in that regard would be adopted by August 1995. With regard to the relationship between the Supreme Court and the Court of Criminal Cassation, he pointed out that the Supreme Court tried cases on appeal involving questions of constitutionality, the application of procedural law, and alleged arbitrary decisions. The Court of Criminal Cassation interpreted criminal law and identified certain types of behaviour as offences. It had been in operation since 1992 and established penal doctrine and procedure. The Supreme Court could consider on appeal cases that arose in connection with the application of the Defence of Democracy Act if the issue of constitutionality or an alleged arbitrary decision was involved. The Supreme Court heard approximately 700 cases of arbitrary decisions annually.

9. In the area of judicial reform, Congress had approved a partial reform of the civil code three years earlier which combined civil and commercial law. However, that reform had been vetoed by the executive power, as a more thorough debate on the matter had been deemed necessary. Two bills had been introduced in the area of obligations, the first by the executive power and the second by the Chamber of Deputies, and both were currently under review by the Senate. In addition, Congress was considering a draft reform of the Code of Civil and Commercial Procedure that would provide for oral procedures to take the place of existing proceedings, which were generally written. It was anticipated that a new Code of Civil and Commercial Procedure would be in place by 1998.

10. In response to a question regarding a case currently before the Argentine courts in which Italy had demanded the extradition of a former SS officer living

in Argentina who had been involved in mass executions of civilians in Rome at the end of the Second World War, he said that the courts had initially ruled in favour of the defendant, whose attorney had introduced evidence that was not relevant to extradition proceedings. More recently, however, the courts had decided to modify the rules of evidence so that extradition proceedings could be handled more swiftly and, in the specific case under review, had ruled that international treaties took precedence in extradition cases and dictated the procedures judicial bodies should adopt.

11. Lastly, Argentine law stipulated that all bodies having jurisdictional authority to settle disputes between parties had to be presided over by judges who were to be appointed in accordance with standard procedures.

12. Ms. REGAZZOLI (Argentina) said that the first law passed by the new Congress following the establishment of democracy in 1983 had been a law declaring general amnesty. In 1988, a law banning all forms of torture had been introduced and a committee on torture had decided that the Government had a moral obligation to compensate anyone who had been arbitrarily or illegally detained between 1976 and 1983. With regard to the issue of granting pardons, under the revised Constitution which had entered into force on 24 August 1994, the President had the authority to decree a pardon. However, the pardon did not erase a crime but merely shortened the criminal's sentence. All individuals were eligible to request and receive a pardon.

13. As part of an ongoing policy to instil new awareness of human rights without disregarding the past two publications - a book which detailed the investigations that had been conducted in connection with the trials of the former military leaders and the "Sabado" report - were being used in all secondary schools and universities in Argentina to educate young people about the need to defend human rights. The Under-Secretariat for Human Rights, a part of the Ministry of the Interior, had been renamed in 1993 as the Under-Secretariat for Human and Social Rights, thereby expressing the widely accepted view that human rights were indivisible from other social, political, economic and cultural rights. In addition, a Federal Council on Human Rights had been established in each state of Argentina to coordinate the activities of the Under-Secretariat. At the regional level, the Inter-American Institute of Human Rights held training courses yearly to educate professionals, legislators and students on human rights issues. International bodies such as the International Committee of the Red Cross were cooperating with security forces in Argentina to promote the protection of human rights.

14. For 25 years, beginning in 1955, Argentina had experienced a period of strict authoritarianism during which its citizens had been deprived of all civil and political rights. The people of Argentina were attempting to overcome that past and create an atmosphere of respect for human rights. With regard to possible lists of disappeared persons, it was assumed that if the executive power had had any such lists in its possession, they would have been produced during the trials of the former military leaders. All matters relating to investigations of disappearances of persons were now handled by the courts.

15. Elaborating on the activities of the National Institute of Indigenous Affairs, she said that that Institute was helping indigenous people in Argentina

to receive proper, bilingual education and to become landowners, while also ensuring that such people maintained their cultural identity. In cooperation with the European Union, a programme had recently been launched to train indigenous people with a view to integrating them more fully into the market-place and to provide them with land and housing. A map of the distribution of indigenous groups throughout the country was available for consultation, as were copies of the pilot project.

16. In answer to a question regarding the access of non-governmental organizations to the report under consideration, she said that such organizations had been provided with copies of the report and that it had also been sent to other human rights bodies in both the Senate and the Chamber of Deputies.

17. Mr. KRETZMER inquired whether procedures existed to remove from power, and prevent the professional advancement of, persons convicted of human rights violations who had been pardoned.

18. Mr. MAVROMMATIS requested information on the manner in which Argentina implemented the views of the Committee with respect to the first Optional Protocol.

19. Mr. BARRA (Argentina), replying to questions raised regarding the power of the President to declare a state of siege, said that article 23 of the Constitution was compatible with article 4 of the Covenant. The suspension of constitutional guarantees during a state of siege was covered by article 4.

20. As to the concern expressed by Mr. El-Shafei at the preceding meeting regarding a discrepancy between the information on declarations of a state of siege provided in Argentina's report to the Committee on Torture and that contained in its report to the Human Rights Committee, the former report indicated that a state of siege had been declared on two occasions during the period 1983-1989. However, the latter report stated that none had been imposed since the restoration of democratic government in 1989.

21. Ms. REGAZZOLI (Argentina) said that where the appropriate authorities received reports of violations, hearings were held, and if a public official was found to have committed an unlawful act, the findings were reported to the individual's administrative authorities with a view to terminating the person's employment.

22. Mr. KRETZMER inquired whether that procedure applied also to members of the armed forces and the security services.

23. Mrs. MEDINA QUIROGA asked whether a formal complaint was required to initiate administrative proceedings in the case of civil servants who, owing to the amnesty, had not been brought to trial, and whether such persons went unpunished because of the "Punto Final" law.

24. Mr. BARRA (Argentina) confirmed that no persons convicted of human rights violations currently held any public office. Persons who had not been convicted were presumed innocent, and that protection could not be removed without a court

decision. Civil service and military personnel could be removed from service only for cause, such as failure to perform their duties or commission of an illegal act, for which the person must have been convicted.

25. Mrs. MEDINA QUIROGA recalled that at the conclusion of the Committee's consideration of Argentina's initial report, the representative of Argentina had stated that the amnesty had not eliminated the culpability of those who had committed human rights violations. She therefore wished to know what happened when there was no conviction or when proof contradicting the presumption of innocence existed.

26. Mr. BARRA (Argentina) said that, unfortunately, there was no way to prosecute further persons who had not been convicted. However, complainants were entitled to reparations.

27. Ms. REGAZZOLI (Argentina), said that promotion recommendations for military personnel were forwarded by the armed force in question to the Executive power, which in turn transmitted them to the Senate. After reviewing any complaints, reports or other documents, the Senate could decide whether to grant the promotion. In 1994, two naval officers had been denied promotion owing to the substantial human rights accusations brought against them.

28. Mr. BUERGENTHAL inquired whether disciplinary measures existed which the State could implement once new information came to light.

29. The CHAIRMAN, speaking in his personal capacity, asked whether the fact that the two naval officers in question had been neither promoted nor convicted violated the principle in article 14 of the Covenant concerning presumption of innocence.

30. Mr. BARRA (Argentina) said that promotion was discretionary and that the denial of promotion requests stemmed from an executive decision and was not proof of culpability.

31. Mr. BRUNI CELLI observed that since only certain promotion requests were referred to the Senate, the problem remained.

32. Mr. PRADO VALLEJO said that he would be interested in learning what happened in the case of former military personnel who might be guilty of human rights violations but who, by virtue of their current civilian status, were not covered by the amnesty, and what recourse was available to the relatives of victims.

33. The CHAIRMAN, speaking in his personal capacity, wondered why the two officers who had been denied promotions were still in the armed forces, given the number of complaints of human rights violations lodged against them.

34. Ms. REGAZZOLI (Argentina) said that all officers questioned in connection with human rights violations had already left the armed forces. In the case of the two officers whose promotions had been denied, the Senate had simply stated that they had not been promoted because of the complaints, but had not described

the complaints or revealed who had filed them. Complainants could seek redress before the civil courts.

35. In reply to Mr. Prado Vallejo, she pointed to a case that had recently received wide publicity in which a former member of the armed forces had disclosed information about the manner in which certain persons had been killed. The matter was before the courts; the courts had not considered such cases in 1983.

36. Mr. BARRA (Argentina) referred to two additional cases which illustrated the important point that there was no restriction on the power of judges to take appropriate action in cases of alleged human rights violations.

37. In reply to the question raised by Mr. Mavrommatis, he said that his country implemented the first Optional Protocol in the manner intended by the Covenant, subject to a law setting out Argentina's reservation with respect to the Malvinas Islands and a clarification to the effect that the implementation of article 15, paragraph 2, of the Covenant was subject to the principle established in article 18 of the Argentine Constitution which called, inter alia, for appropriate guarantees of due process. In order for any international treaty to apply in his country, its provisions must be reflected in the relevant national legislation.

Right to life, treatment of prisoners and other detainees, liberty and security of the person and right to a fair trial (articles 6, 7, 9, 10 and 14 of the Covenant) (section II of the list of issues)

38. The CHAIRMAN read out section II of the list of issues concerning the second periodic report of Argentina, namely: (a) whether the draft reform of the Code of Military Justice had been completed, in particular, whether articles 528 and 621 had been amended with a view to abolishing the death penalty and whether consideration had been given to the possibility of acceding to the second Optional Protocol and information on the current jurisdiction of military courts; (b) the findings of the National Commission on Disappearances of Persons (CONADE) and the Public Prosecutor's Office in their investigations of unresolved cases of disappearances that had occurred during the state of seige, the situation of children whose parents had disappeared during that period and the information obtained through the genetic data bank in that regard; (c) rules and regulations governing the use of weapons by the police and other forces, violations of those rules and regulations, if any, measures taken against persons found guilty of such acts and measures to prevent recurrences; (d) information regarding any complaints of torture, disappearances, extrajudicial executions, arbitrary detention or other inhuman or degrading treatment or punishment by the police or other forces, and information on investigations or prosecutions in such cases, action taken to punish those found guilty and the compensation of victims; (e) information on training programmes for law enforcement officials aimed at informing them of their obligations under the Covenant and of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (f) information on compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, the accessibility of the relevant regulations and directives to persons deprived of their liberty, and the accessibility of prisoners to the Government Procurator

for the Prison System; (g) information on conditions and duration of incommunicado detention; and (h) clarification of the functions and activities of the Advisory Commission on the Magistrature and description of the steps taken to strengthen the independence of the judiciary and protect judges from threats of intimidation.

39. Ms. REGAZZOLI (Argentina), referring to section II (a), said that when the rule of law had been restored on 10 December 1983, both the Criminal Code and the Code of Military Justice had envisaged the death penalty for certain crimes. By Act No. 23,077 of 9 August 1984, that penalty could no longer be applied under the Criminal Code and related laws. The Code of Military Justice continued to envisage capital punishment, but only for serious crimes such as those generally committed in time of war. The death penalty had not been imposed for over 30 years and, in the light of amendments to the Constitution and the Pact of San José, it never would be reinstated.

40. With regard to the jurisdiction of military courts, she said that although efforts had been made to harmonize recent changes concerning procedure in the Code of Military Justice with those made to the Code of Criminal Procedure, there were important differences. An examining magistrate presided over pre-trial proceedings, the trial itself was conducted by the Standing War Council and appeals were dealt with by the Supreme Court of the Armed Forces, with compulsory reference to the federal appeals court competent in the location where the events had taken place. By Act No. 23,049 of 1984, the national judiciary had the final say prior to any appeal to the country's Supreme Court of Justice. The judges presiding at preliminary proceedings were active members of the armed forces assigned on a case-by-case basis and were not necessarily lawyers. They were advised by military attorneys.

41. As a general rule, a defendant enjoyed the same guarantees under the Code of Military Justice as those available to an individual being tried in a similar situation under the Code of Criminal Procedure. Act No. 23,049 also abrogated provisions establishing military jurisdiction over civilians. Similarly, military courts had jurisdiction only in respect of crimes and offences of a military character.

42. With regard to section II (b), she said that Decree No. 1306/92 had established a National Commission on the Right to Identity within the Under-Secretariat for Human and Social Rights of the Ministry of the Interior. The purpose of the Commission was to facilitate the search for children who had disappeared and to determine the whereabouts of children of unknown identity who had been kidnapped or had disappeared, as well as of children born to mothers illegally deprived of their liberty and other children whose identity was unknown because they had been separated from their biological parents for various reasons. The Asociación Abuelas de Plaza de Mayo had provided valuable assistance. Extensive tests conducted by the genetic data bank, some of which had been re-evaluated overseas, had revealed that some children were not in fact who they had been thought to be. She offered a few examples of the thousands of cases which illustrated how difficult it was to ascertain the truth and how painful the findings could be. The difficulties involved in searching for lost children after so many years could not be underestimated. However, if a grandparent applied for such a search, the Government would pursue the matter.

43. Mr. BARRA (Argentina) said, in connection with section II (c), that article 184 of the Code of Criminal Procedure empowered the police and security forces to use force as needed. In addition, the Police Organization Act provided that members of the national police force could display their weapons and use them to maintain order, guarantee security and prevent the perpetration of crimes, and for other legitimate purposes. The use of force must, however, be appropriate to each case. Weapons could be used by the police to defend themselves and third parties when lives were at risk, but always as a last resort. The use of weapons under circumstances other than those provided by law was a criminal offence and was so prosecuted in ordinary or federal courts, and indeed some police officers had been convicted of homicide.

44. Ms. REGAZZOLI (Argentina) said, as regarded section II (d), that the National Technical and Pre-Trial Department of the Under-Secretariat for Human and Social Rights within the Ministry of the Interior had brought to trial a number of relevant complaints. Argentina had also provided to the Commission on Human Rights the information requested by the special rapporteurs dealing with torture and summary or arbitrary executions.

45. Concerning section II (e), she said that a series of symposia had been organized in April 1994 on the international human rights system for officers of the federal and provincial prison services by the Under-Secretariat of Human and Social Rights of the Ministry of the Interior and the Office of the Government Procurator for the Prison System. In October 1994, the Institute for the Promotion of Human Rights of the Ministry of the Interior, in cooperation with the United Nations Centre for Human Rights, had held a training seminar in which some 50 assistant police commissioners had participated. Advanced training courses had been developed for each different rank of the police hierarchy, covering subjects such as public international law, the provisions of the major human rights instruments, and civil rights. A specific course on human rights had been given in October 1994 at the Higher Federal Academy to train trainers in the police force.

46. Regarding section II (f), the provisions of Decree-Law No. 412/58, comprising the national prison legislation, reflected those of the United Nations Standard Minimum Rules for the Treatment of Prisoners. As part of the prison reform, new prison legislation was being drafted to improve situations that needed remedying.

47. As part of his functions and prerogatives, outlined in paragraph 53 of the report, the Government Procurator for the Prison System could make recommendations for adoption by the Ministry of Justice, which was responsible for the control and supervision of the national and federal prison system. According to his first report of August 1994, which was being made available to the Committee, the Procurator had reviewed 1,382 complaints or requests from inmates, dealing mainly with unduly prolonged pre-trial detention and problems involving disciplinary sanctions, health care, physical mistreatment, sanitation, nutrition, prison work, and arrangements for visits correspondence and telephone privileges. The Procurator had made 373 recommendations, 100 of which had been acted upon and 83 denied. Not much progress had yet been made in addressing systemic problems, but the forthcoming Prison Reform Guidelines would no doubt be a step forward.

48. Act No. 24,390/94 stipulated a maximum time-limit of two years for pre-trial detention, but in unusually serious or complex cases it allowed that period to be extended by a further year and even, in particular circumstances, six additional months as well.

49. Mr. BARRA (Argentina) added that while Act No. 24,390 sought to solve the serious problem of pre-trial detention which lasted longer than two years, the average length of a case was a more reasonable eight months.

50. Ms. REGAZZOLI (Argentina) said, with regard to section II (g) and incommunicado detention, that article 205 of the Code of Criminal Procedure provided for such detention of accused persons for a maximum of 48 hours, with a possibility of extension for a further 24 hours upon written application if there was reason to believe that the accused might conspire with third parties or obstruct the investigation in some way. Suspects arrested by the police could be held incommunicado for a maximum of six hours, after undergoing a psychological and physical examination, and could continue to be held incommunicado for a maximum of 72 hours only on the order of a judge. Throughout the incommunicado detention, the accused could communicate freely with his attorney and had access to books and other suitable objects he might request. He was also authorized to perform essential civil acts, provided that they did not prejudice the proceedings.

51. She wished to point out that section II (h) of the list of issues had been addressed at the previous meeting.

Non-discrimination and equality of the sexes, right to privacy, freedom of conscience, religion, expression and association, and protection of the family and children (article 2, paragraph 1, articles 17-19 and articles 21-24) (section III of the list of issues)

52. The CHAIRMAN read out section III of the list of issues, namely: (a) circumstances under which telephone and telegraph tapping was authorized and the safeguards to which it was subject; (b) action taken by the authorities in response to the Committee's concluding comments on the initial report with regard to the special status and privileges granted to the Roman Catholic Church; (c) the provisions of the military service bill on conscientious objection (para. 66 of the report); (d) information on legal restrictions under Act No. 24,198 (para. 67 of the report) on the exercise of the freedom of expression and, in particular, freedom of the press and the mass media; (e) the extent to which attacks on journalists had limited the enjoyment of freedom of expression and the right to receive and impart information, and any steps taken to protect journalists from such attacks; (f) any measurable progress in eliminating the remaining inequalities between men and women (paras. 26-28 of the report) as a result of the establishment of the National Council on Women and the Cabinet of Presidential Advisers set up to monitor the implementation of the three-year Equal Opportunity Plan; (g) the compatibility of decrees suspending collective agreements in the maritime industries with the freedom of association under article 22; (h) information on the law and practice relating to the employment and protection of minors.

53. Ms. REGAZZOLI (Argentina) said, with regard to section III (a), that article 236 of the Code of Criminal Procedure authorized tapping, when justifiable, by order of a judge. Articles 234 and 235 also laid down specific provisions for the interception of correspondence.

54. Mr. BARRA (Argentina), referring to section III (b), pointed out that articles 14 and 20 of the Constitution upheld the right of all residents, including foreigners, to worship their own religion freely, even though Roman Catholicism was officially supported as the majority religion. By granting all residents the same freedom of worship, such a system respected their civil and natural equality. Church/State relations in Argentina were governed by the principles of autonomy and cooperation established in the Agreement of 10 October 1966 between the Holy See and the Argentine Republic, adopted in Act No. 17,032. It should be noted that the recent constitutional reform had abolished the former requirement under article 76 that the President must be a Catholic.

55. Ms. REGAZZOLI (Argentina) said, concerning section III (c), that Decree No. 1537/94 established the professional armed services personnel regime which made volunteer enlistment in the three armed forces the rule. Since compulsory military service had thus been abolished, conscientious objection was no longer an issue. She noted that 60 per cent of the volunteers who had enlisted since the passage of that legislation had been women.

56. With regard to section III (d), neither the Congress nor the executive branch had adopted any legislation or order restricting freedom of expression, although there were certain bills under consideration that sought to regulate ex post facto responsibilities in that area.

57. With regard to section III (e), the deputy chief of the Office of the Attorney General had been appointed as a special prosecutor to investigate attacks on journalists immediately after the first such occurrence. Since he had begun his investigations on 10 September 1993, he had brought to light many details of such attacks, and the identification of one of the perpetrators responsible for 30 of the crimes, together with preventive measures, had eventually led to the cessation of such occurrences.

58. The National Council on Women and the Cabinet of Presidential Advisers referred to in section III (f) of the list of issues were very innovative. Their aim was to promote equal opportunity for women in education and other fields, and to coordinate the efforts of all ministries to implement the Equal Opportunity Plan of Action. The Plan had already been put into practice in the field of education, and the curriculum and textbooks were being revised.

59. The Council was working with the Cabinet and with the Under-Secretariat for the Human Rights of Women to ensure the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Argentina, it should be noted, was the only country to have incorporated that Convention into its Constitution. The Council also oversaw the application of the Quota Act (para. 26 of the report) and administered a series of programmes to establish equality of opportunity for women in employment, public administration and decision-making posts. There had been a successful programme to eradicate

violence against women, and Argentina would soon be ratifying the convention recently adopted by the Organization of American States on violence against women. The Council was also enforcing the application of a decree providing for the discharge of any public official who practised gender-based discrimination. There was no legal discrimination between men and women in the field of labour but rather de facto discrimination by individual employers.

60. Mr. BARRA (Argentina) observed that the Constitution contained positive provisions on behalf of women guaranteeing their equality of opportunity and treatment, and that de facto discrimination against women, children, the elderly or the disabled was regularly being combated by congressional legislation, most recently in the setting of electoral quotas for women.

61. Ms. REGAZZOLI (Argentina) noted that 80 of the 305 convention delegates to the recent constitutional convention held to reform the Constitution had been women.

62. As to section III (g), Decree No. 817/92 had abrogated the labour clauses of a series of agreements as an omnibus measure adopted at the time of the dissolution of the General Ports Administration and the creation of the Under-Secretariat of Ports and Navigable Waterways within the Transport Secretariat of the Ministry of the Economy, Public Works and Services.

63. As to the empowerment and protection of minors, article 128 of the Civil Code established 21 years as the age of majority, but minors could be employed at age 18 without special legal consent or authorization, in accordance with the labour regulations. Minors qualified to practise a profession could do so without prior authorization and could freely dispose of the products of their labour; they could also take part in civil or criminal proceedings having to do with related actions.

64. The Ministry of Labour and Social Security was responsible for implementing labour legislation. Article 188 of the Labour Contract Act provided that employers must obtain medical certificates in advance for minors of either sex under the age of 18 and have them undergo periodic medical examinations. Decree-law No. 14,538/44 stipulated that minors under the age of 18 must be examined as to their physical ability to perform the tasks to which they were assigned. Such aptitude tests must also evaluate the sanitary and safety conditions in the workplace. Article 189 of the Labour Contract Act prohibited employers from hiring minors under 14 years of age for any type of work, paid or unpaid, the exception to that rule being minors employed in small family businesses, with ministerial authorization. Article 190 of the Labour Contract Act provided that minors between the ages of 14 and 18 could not work more than 6 hours a day or 36 hours a week, although minors over 16 years of age could, with administrative authorization, work up to 8 hours a day or 48 hours a week. Minors of either sex were not allowed to do night work, between the hours of 8 p.m. and 6 a.m, with the specific exceptions stipulated in article 173 of the Labour Contract Act for male minors over 16 years of age.

The meeting rose at 6.05 p.m.